

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the sole, original and first inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Pad Wear Compensator for a Disc Brake Caliper**, the specification of which:

- ☒ is attached hereto.
☐ was filed on _____ as United States Application Serial No. _____ or PCT International Application Number and was amended on _____ (if applicable).

Thereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 USC §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Number: _____ Country: _____ Date Filed: (day/mo/yr) _____ Priority not claimed ☐

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

Application Number: _____ Filing Date: (mo/day/yr)
 60/195,560 04/06/00

I hereby claim the benefit under 35 USC §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Number: _____ Filing Date: (mo/day/yr) _____ Status - patented, pending, abandoned

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Barry J. Swanson, #33,215
 Thomas D. Bratschun, #32,966

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 Thomas D. Bratschun
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 1745 Shea Center Drive, Suite 330
 Highlands Ranch, Colorado 80129

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Wayne R. Lumpkin

Inventor's signature: _____
 Residence: Littleton, Colorado
 Post Office Address: 7060 W. Belmont Drive
 Littleton, CO 80123

Date: _____
 Citizenship: US

8-22-00

☒ Additional inventors are being named on separately numbered sheets attached hereto.

009649343-03300

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket No.
AVID.13-1

Applicant or Patentee: LUMPKIN *et al.*
Serial or Patent No.: Express Mail Label No. EL587742930US
Filed or Issued:
Title: Pad Wear Compensator for a Disc Brake Caliper

I hereby declare that I am

- ☐ the owner of the small business concern identified below.
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: AVID, L.L.C.
ADDRESS OF SMALL BUSINESS: 2875 W. Oxford Avenue #7
Englewood, Colorado 80110

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

Full Name and Address:

- ☐ Individual
☐ Small Business Concern
☐ Non-profit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their small entity status (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Wayne R. Lumpkin
TITLE OF PERSON IF OTHER THAN OWNER: President
ADDRESS OF PERSON SIGNING: 2875 W. Oxford Avenue #7
Englewood, Colorado 80110

SIGNATURE: 

DATE: 8-22-00